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Ruth A. Lear — October 16, 2008

Ruth A. Lear

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Gary Lynn Hanley	*Examiner:*	Essama Omgba
Serial #:	10/736,019	*Art Unit:*	3726
Filing Date:	12/15/2003	*Date:*	October 16, 2008
Title:	Process for Removing Thermal Barrier Coatings		

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Interview Summary

This communication relates to patent application Serial Number 10/736,019; and provides an interview summary of the interview conducted on October 10, 2008. The interview summary follows:

The scheduled interview began at 10 a.m. on Friday, October 10, 2008, and the interview participants were patent attorney Daniel Schlue, patent attorney Jennifer Simpson, and patent examiner Essama Omgba. Examiner Omgba is a hoteling patent examiner that works from home and arrived at the interview location without any paperwork- either the most recent office action or any of the cited references.

After introductions, patent attorney Schlue opened the interview by attempting to understand from examiner Omgba why there would be motivation to combine two of the cited references in support of the rejections currently directed to claims 1-7 and 28-30. The two subject references are: United States patent application publication number 2003/0148710 and United States patent number 5,976,265. More specifically, patent attorney Schlue tried to understand from Examiner Omgba why, when the teachings of these two references were viewed in their entirety, there would be any motivation to combine them- motivation for the combination coming from either i) the references themselves, or ii) even the common sense of a person of ordinary skill in the art.

On this point, and during the course of what turned out to be about a 2.5 hour interview, the Examiner failed to give an answer about why there would be any motivation to combine the two references. Not once did the Examiner provide a reason why there would be motivation to combine these two references in light of their entire teachings. But in an effort to do so, the Examiner borrowed patent attorney Schlue's copy of the office action during the interview in order to see if he had actually presented any language in the office action directed to motivation for the combination. After reviewing the office action, the Examiner could not find any language describing the motivation for combining the subject references. The Examiner then borrowed patent attorney Schlue's copies of the references and began reviewing them on location in order to try and provide at least some reason why he believed there was motivation for the two references to be combined.

After reviewing the references, the Examiner then begin to talk about what each of the references taught, but provided no reasoning why they should be combined in making a rejection directed to currently pending claims 1-7 and 28-30. During the course of the interview, the Examiner also began talking about whether the claimed elements are in fact taught by each of the references. Although it is acknowledged that some of the Examiner's comments may have relevance to the issue of patentability, patent attorney Schlue and patent attorney Simpson tried to bring the Examiner back to the question of why would there be any motivation to combine these two references under any of the current legal standards. For about the first hour of the interview, the Examiner wanted to focus on the selected teachings of each of the references, but again, throughout the entire interview failed to provide any reasoning whatsoever for combining the two references.

In order to assess whether the Examiner would be willing to agree on anything reasonable during the course of the interview, patent attorney Schlue asked the Examiner if the Examiner would agree that claim elements/limitations narrow the scope of a claim. The Examiner would not agree with the general statement of law that claim limitations narrow the scope of a claim. Patent attorney Schlue then asked the Examiner if the Examiner would agree that a dependent claim is narrower than the claim from which depends; and initially, the Examiner would not even agree to this.

Because the Examiner would not agree with even general rules of patent law, patent attorney Schlue requested that Examiner Essama Ombga's supervisor be brought into the room. After making this request, Examiner Ombga indicated that his supervisor, David Bryant, was not in the office that day. Patent attorney Schlue then requested that another supervisor be brought into the room. Examiner Ombga indicated that he would then attempt to find another supervisor; and after about 10-15 minutes on the telephone the Examiner indicated that he could not locate another

supervisor to be brought into the interview. Because the Examiner allegedly could not locate a supervisor to be brought into the interview, Patent attorney Schlue and patent attorney Simpson then indicated that they would assist the Examiner in finding a supervisor by making telephone calls. In an effort to find phone numbers for supervisors, Patent attorney Schlue then had to go back out into the lobby to security and ask the security officers for phone numbers that patent attorney Schlue could call in order to locate a supervisor. At a point during this series of events, patent attorney Schlue teleconferenced with another Examiner (not a supervisor) and received the names and phone numbers of three supervisors. Patent attorney Simpson then called each of the three supervisors until she successfully reached one of them- Janet Baxter. Patent attorney Schlue then had a discussion with supervisor Janet Baxter explaining that because Examiner Ombga would not even agree to even the simplest of matters or fundamental rules of law, let alone providing any rationale related to the motivation for combining the subject references, patent attorney Schlue would not conclude this interview without getting a supervisor involved.

Supervisor Janet Baxter indicated that although she was unable to attend the interview, she would teleconference with Examiner Ombga in order to at least discover his motivation for combining the two references. Supervisor Janet Baxter indicated that because she was going to teleconference with Examiner Ombga, she recommended that patent attorney Schlue, patent attorney Simpson, and Examiner Ombga should reconvene at an agreed-upon time. Patent attorney Schlue and Examiner Ombga then agreed that they would reconvene at 12:15 p.m. after Examiner Ombga had had a teleconference with supervisor Janet Baxter.

After about a half-hour break, patent attorney Simpson and patent attorney Schlue reconvened with Examiner Ombga in order to see if any progress had been made in light of his teleconference with supervisor Janet Baxter. Examiner Ombga opened the session by explaining his findings for each of the references but still provided no reason why the two references should be combined. Examiner Ombga's position had not changed at all although he could still not provide any motivation for the two references to be combined.

At this point, patent attorney Schlue asked if there was anything at all that could be agreed upon by Patent attorney Schlue and Examiner Ombga. Patent attorney Schlue then revisited the legal issue of whether a dependent claim is narrower in scope than the claim from which it depends, and still Examiner Ombga would not agree to this general proposition. Patent attorney Schlue then asked a second time, and then reluctantly, Examiner Ombga agreed that as a matter of law a dependent claim is narrower in scope than the claim from which it depends.

Patent attorney Schlue subsequently attempted to teleconference with supervisor Janet Baxter but unfortunately could not get through to her.

Examiner Ombga then drafted his summary of the interview and the interview ended.

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Respectfully Submitted,
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